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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 716/2024**
MOHD JAVED Petitioner
Through: **Mr.Ayaz Ahmed, Adv.**

versus

SMT. FARHEEN Respondent
Through: **Mr.Shashank Dewan,**
Ms.Harshita Gupta and
Ms.Akansha Vidyarthi, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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27.05.2024

CRL.M.A. 16446/2024 (Exemption)

1. Allowed, subject to all just exceptions.

CRL.M.A. 16447/2024

2. For the reasons stated in the application, the delay in re-filing of the present petition is condoned.

3. The application is disposed of.

CRL.REV.P. 716/2024 & CRL.M.A. 16609/2024

4. This petition has been filed under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') challenging the Order dated 25.08.2021 passed by the learned Metropolitan Magistrate-03 (Mahila Courts), South-East District, Saket Courts, New Delhi, titled ***Farheen Nazar v. Md. Javed & Ors.***; and also the Order dated 08.08.2023 passed by the learned Additional Sessions Judge-04, Special Judge NDPS Act, South-East District, Saket Courts, New Delhi in Appeal No.106/2021 titled



Mohd. Javed v. Smt Fahreen Nazar, dismissing the Appeal filed against the order of the learned Metropolitan Magistrate.

5. The above Complaint Case has been filed by the respondent under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short, 'DV Act').

6. By the Order dated 25.08.2021, the learned Metropolitan Magistrate has directed the petitioner herein to continue to pay Rs.25,700/- per month to the respondent towards 50% of the EMI amount for repayment of the housing loan, and Rs.15,000/- each towards monthly maintenance of the two minor children. The learned Metropolitan Magistrate has, however, directed that no maintenance is to be paid to the respondent as she herself is earning approximately Rs.53,000/- per month.

7. The petitioner, aggrieved by the said order, challenged the same by way of an appeal under Section 29 of the DV Act, which has been dismissed by the learned Additional Sessions Judge vide its Order dated 08.08.2023.

8. The learned counsels for the parties, on instructions from the parties, agree that the *interim* arrangement/maintenance be modified to the following:

(a) that the EMI for the housing loan already stands paid and settled;

(b) that the petitioner shall pay *interim* maintenance of Rs.10,000/- each for the two minor children to the respondent with effect from the date of filing of the application under Section 12 of the DV Act by the respondent, that is, 11.01.2021;



(c) that over and above this amount, the petitioner shall pay Rs.1,80,000/- to the respondent;

(d) that any amount already paid towards maintenance to the respondent, shall be duly adjusted accordingly;

(e) that any arrears for the *interim* maintenance shall be paid by the petitioner within a period of 6 weeks from today; and,

(f) that as far as the future maintenance is concerned, it shall be paid by the petitioner to the respondent on or before 10th day of each calendar month.

9. The parties shall remain bound by the statements made herein above.

10. The learned Trial Court is requested to expedite the adjudication on the application filed before it and to refuse any unwarranted adjournments to either party in the proceedings pending before it.

11. It is made clear that the present petition is being disposed of on the settlement that has been arrived at between the parties, however, it shall have no effect on the final adjudication of the Complaint Case or other proceedings that are pending between the parties.

12. The petition is disposed of in the above terms. The pending application also stands disposed of as infructuous.

NAVIN CHAWLA, J

MAY 27, 2024/ns/VS

Click here to check corrigendum, if any